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TOWN OF BARNSTABLE

NOTICE OF MEETINGS OF TOWN DEPARTMENT AND ALL TOWN BOARDS
As Required by Chapter 28 of the Acts of 2009 which amends MGL Chapter 30 A

Licensing Authority Agenda

DATE OF MEETING: March 4, 2013

Check below which one applies

The Clerk's office has this meeting date already posted X

This is a special meeting which has not been posted _____

TIME: 9:30 a.m.
PLACE: 2nd Floor Hearing Room, 367 Main Street, Hyannis, MA

Vote to accept Minutes: Vote to accept minutes of the 2/11/13 Meeting.

Hearings:

Two One Day Entertainment Licenses: Application of Cecelia Carey on behalf of the Hyannis Rotary Club, 146 Main Street, Hyannis for two One Day Entertainment Licenses for its Annual Home & Garden Show to be held at the Barnstable High School, West Main Street, Hyannis on Saturday, March 23, 2013 from 9:00 am to 5:00 pm and Sunday, March 24, 2013 from 1:00 pm to 10:00 am to 4:00 pm.

One Day Beer & Wine License: Application of Renee Voorhees, on behalf of Marstons Mills Public Library, 2240 Iyannough Road, West Barnstable, for a One Day Wine and Malt License, for a its annual fund-raising event entitled, Welcome Spring. The event will be held on May 2, 2013 from 5:30 pm to 8:30 pm inside the library.

One Day All Alcohol and One Day Entertainment Licenses: Application of Paul Covell on behalf of Barnstable County Deputy Sheriff's Office, PO Box 3028, Pocasset, MA for a One Day All Alcohol License for its Annual Rib Roast to be held at St. George Greek Orthodox Church,

1130 Falmouth Road, Centerville on March 22, 2013 from 6 pm to 12 am and a One Day Entertainment License for a guitar player and vocalist to entertain at the event.

Transfer of Annual Wine & Malt Package Store License: Application of 4120 Corp., d/b/a Big Daddy's Pizza, 4120 Falmouth Road, Cotuit, Vincent B. Holland, Manager, to transfer its Annual Retail Wine & Malt Package Store License to Ammar Corporation, d/b/a Pepper's Pantry, 4120 Falmouth Road, Cotuit, Mohammad Shafique, Manager, hours of operation for the store to be 7 am - 11 pm M-Sun; alcohol sales Mon-Sat 8 am – 11 pm, Sun noon – 11 pm. Health Dept. issues. Possible change of ownership & who is operating this without approval.

New Annual All Alcohol Common Victualler License and Live and Non-Live Entertainment Licenses: Application of Regatta, LLC, d/b/a The Regatta, 4631 Falmouth Road, Cotuit, Matthew P. Conley, Manager for a New Annual All Alcohol Common Victualler License: A 2 1/2 story building at 4631 Falmouth Road, Cotuit with two floors consisting of a restaurant, bar and lounge, kitchen with basement and attic for storage. Restaurant on 1st floor seating 68 including bar with 14 seats. Upper level dining seating 38 and outside seasonal patio with five tables seating 20 on west side of building. Also requested is a Live Entertainment License for 4 performers, dancing by patrons, amplified, from 7 pm to 12:45 am and a Non-Live Entertainment license for radio and recorded music from 8 am to 12:45 am. **Rescheduled to 3/25/13.**

Alteration of Premises: Application of Beech Tree Cantina, LLC, d/b/a Beech Tree Cantina, 599 Main Street, Hyannis, Jared Pane, Manager for an Alteration of Premises to replace the existing license description as follows: 599 Main Street, Hyannis, including one two-story wooden structure containing a restaurant with bar area and bistro, sandwich and coffee shop with two secure exterior patios. The front exterior patio has 38 seats. The interior restaurant on the first floor has a total of 113 seats which includes a bar having 27 seats and seating for eight persons in front of fireplace. The interior of the bistro, sandwich and coffee shop consists of 35 seats with 15 bar seats for a total of 163 interior seats on the first floor. There exists a waiting area on the second floor with 8 seats. The rear courtyard consists of a main bar with 9 seats, a service bar with 4 seats, 75 table seats and 12 couch seats for a total of 100 rear courtyard seats. There are three handicap accessible bathrooms on the 1st floor and one man's and one ladies' bathroom located on the 2nd floor. The first floor has 11 means of egress and the second floor has one means of egress. **Continued to allow time to revise new description and plan to 3/25/13 or 4/8/13.**

New Common Victualler License: Application of Green Lotus Cafe, LLC, d/b/a Green Lotus Cafe, 349 Main Street, Hyannis, Nathaniel Fanara, Manager, for a New Common Victualler License, with 18 interior seats and 6 exterior seats on the sidewalk, to be open M-F 7 am -3 pm, Sat 8 am – 3 pm.

New Common Victualler License: Application of Ming's Golden Pizza, Inc., d/b/a Hot Diggity Dogs, 569 Main Street, Hyannis, Feng Tao, Manager, for a New Common Victualler License, with 8 interior seats and 30 exterior seats, to be 10 am – 10 pm.

New Annual Package Store Wine & Malt License: Application of Omharsh Corp., d/b/a AM PM Convenience Store, 489 Bearses Way, Hyannis, Chetankum Patel,

Manager, for a new Annual Retail Wine & Malt Package Store License, to be operated from 8 am to 11 pm Mon-Sat and noon to 1 am Sun. **Continued from 2/11/13; continued again to 3/25/13 for ZBA Hearing results on 3/13/13.**

New Annual Common Victualler License: Application of Alice Maria Da Silva, d/b/a Sabor Do Brasil, 461 B-4 Main Street, Hyannis for a New Annual Common Victualler License, to be operated 7 days, 8 am to 10 pm. Seating for 20, 6 standees, 1 employee. **Continued from 2/11/13. Application withdrawn on 2/21/13.**

Show Cause Hearing: Show Cause Hearing for Cape Cod Precious Gems & Coins, 48 Iyannough Road, Hyannis, MA, Carl Marchetti, Manager, for revocation of its Junk Dealer License as a result of information presented to the Licensing Authority by Detective Sgt. John Murphy of the Barnstable Police Department at the December 7, 2009 Licensing Authority Hearing for failure to comply with the Town of Barnstable Rules and Regulations under Chapter 502 regarding non-reporting of items purchased for sale, that it purchased items which appear on a list of stolen property, and a determination that Mr. Marchetti is an improper person to hold a Junk Dealer License, to show cause why its Junk Dealer License should not be permanently revoked. Continued from 8/10/11, 2/14/11, 6/20/11, 9/19/11. Along with this hearing, the renewal/non-renewal of the Junk Dealer License for 2011-2012 will be determined. Attorney Atwood's Office advised they were still in Court for 9/24/11 but the matter should be wrapped up for the 10/24/11 hearing. Request was made to continue this hearing to 10/24/11 and today it was continued to January 30, 2012 as the prior Licensee is still in Court. Per request of Licensee's attorney, this hearing was continued to March 26, 2012. This matter was continued from the June 24, 2012 hearing as it is still in Court and the attorney again requested a continuance from today's meeting to 9/10/12. Lt. Murphy stated it is going to Trial in November so added to 12/17/12 hearing. **Attorney for Mr. Marchetti withdrew, so Board continued hearing to 1/14/13; then continued to 3/4/13. No-one responded to our letter requesting whether or not he or his representative would attend this hearing.**

The following renewals have been submitted without any changes from the previous year for Licensing Authority approval:

Common Victualler:

Papa Gino's, 1600 Falmouth Road, Centerville

Daily Non-Live Entertainment:

Papa Gino's, 1600 Falmouth Road, Centerville

Automatic Amusement:

Papa Gino's, 1600 Falmouth Road, Centerville

Business Meeting:

Release of Executive Session Minutes, if any (0).

ABCC Package Store License Quota discussion.

Discussion relative to complaint brought by Building Commissioner against our Lodging House licensee, Embassy Inn, for too many lodgers.

Notification from Macheras Main Street Corp., d/b/a Schooner's, 349 Main Street, Hyannis, that it will be closed for 2-3 weeks for repairs due to a large leak in the kitchen area.

Application of Smithfield Market of Barnstable, LLC, d/b/a Barnstable Market, 3220 Main Street, Barnstable, Jeffrey Blankenship, Manager, for a new Annual All Alcohol Retail Package Store license at its current location continued for decision once quota for All Alcohol Package Stores is determined by the ABCC.

And any other new business to come before the Licensing Authority.

PERSONS INTERESTED ARE ADVISED THAT, IN THE EVENT ANY MATTER TAKEN UP AT THE MEETING REMAINS UNFINISHED AT THE CLOSE OF THE MEETING, IT MAY BE PUT OFF TO A CONTINUED SESSION OF THIS MEETING, WITH PROPER POSTING.

For your information the section of the M.G.L. that pertains to postings of meetings is as follows: Except in an emergency, in addition to any notice otherwise required by law, a public body shall post notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays. In an emergency, a public body shall post notice as soon as reasonably possible prior to such meeting. Notice shall be printed in a legible, easily understandable format and shall contain: the date, time and place of such meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting. For meetings of a local public body, notice shall be filed with the municipal clerk and posted in a manner conspicuously visible to the public at all hours in or on the municipal building in which the clerk's office is located.